

**REPORT OF THE AUDIT OF THE  
PERRY COUNTY  
SHERIFF'S SETTLEMENT - 2009 TAXES**

**For The Period May 16, 2009 Through April 15, 2010**



**CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS  
[www.auditor.ky.gov](http://www.auditor.ky.gov)**

**209 ST. CLAIR STREET  
FRANKFORT, KY 40601-1817  
TELEPHONE 502.564.5841  
FACSIMILE 502.564.2912**





**CRIT LUALLEN**  
**AUDITOR OF PUBLIC ACCOUNTS**

To the People of Kentucky

Honorable Steven L. Beshear, Governor

Lori H. Flanery, Secretary

Finance and Administration Cabinet

Honorable Denny Ray Noble, Perry County Judge/Executive

Honorable John Leslie Burgett, Perry County Sheriff

Members of the Perry County Fiscal Court

The enclosed report prepared by Morgan-Franklin, LLC, presents the financial statement of the Perry County Sheriff's Settlement - 2009 Taxes for the period May 16, 2009 through April 15, 2010.

We engaged Morgan-Franklin, LLC to perform the audit of this financial statement. We worked closely with the firm during our report review process; Morgan-Franklin, LLC evaluated the Perry County Sheriff's internal controls and compliance with applicable laws and regulations.

Respectfully submitted,

A handwritten signature in cursive script, reading "Crit Luallen".

Crit Luallen  
Auditor of Public Accounts

Enclosure





**EXECUTIVE SUMMARY**  
**AUDIT EXAMINATION OF THE**  
**PERRY COUNTY**  
**SHERIFF'S SETTLEMENT - 2009 TAXES**

**For The Period**  
**May 16, 2009 Through April 15, 2010**

Morgan-Franklin, LLC has completed the audit of the Sheriff's Settlement - 2009 Taxes for the Perry County Sheriff for the period May 16, 2009 through April 15, 2010. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

**Financial Condition:**

The Sheriff collected taxes of \$11,446,014 for the districts for 2009 taxes, retaining commissions of \$445,197 to operate the Sheriff's office. The Sheriff distributed taxes of \$10,991,520 to the districts for 2009 taxes. Taxes of \$2,439 are due to the districts from the Sheriff and a refund of \$802 is due to the Sheriff from a taxing district.

**Report Comments:**

2009-01 The Sheriff Has Not Submitted Abandoned Funds To The Kentucky State Treasurer  
2009-02 The Sheriff's Office Lacks Adequate Segregation Of Duties

**Deposits:**

The Sheriff's deposits as of December 4, 2009 were exposed to custodial credit risk as follows:

- Uncollateralized and Uninsured    \$789,083

The Sheriff's deposits were covered by FDIC insurance and a properly executed collateral security agreement, but the bank did not adequately collateralize the Sheriff's deposits in accordance with the security agreement.



## CONTENTS

PAGE

INDEPENDENT AUDITOR'S REPORT .....	1
SHERIFF'S SETTLEMENT - 2009 TAXES.....	3
NOTES TO FINANCIAL STATEMENT .....	5
REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS .....	8
COMMENTS AND RECOMMENDATIONS .....	13





***Morgan-Franklin, LLC***  
***Certified Public Accountants***

P.O. Box 428  
749 Broadway Street  
West Liberty, KY 41472

Brenda K. Morgan  
Jody B. Franklin

Phone: (606) 743-1884  
Fax: (606) 743-1895  
[www.morganfranklinpcpa.com](http://www.morganfranklinpcpa.com)

To the People of Kentucky

Honorable Steven L. Beshear, Governor

Lori H. Flanery, Secretary

Finance and Administration Cabinet

Honorable Denny Ray Noble, Perry County Judge/Executive

Honorable John Leslie Burgett, Perry County Sheriff

Members of the Perry County Fiscal Court

Independent Auditor's Report

We have audited the Perry County Sheriff's Settlement - 2009 Taxes for the period May 16, 2009 through April 15, 2010. This tax settlement is the responsibility of the Perry County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement in accordance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the Perry County Sheriff's taxes charged, credited, and paid for the period May 16, 2009 through April 15, 2010, in conformity with the modified cash basis of accounting.

To the People of Kentucky

Honorable Steven L. Beshear, Governor

Lori H. Flanery, Secretary

Finance and Administration Cabinet

Honorable Denny Ray Noble, Perry County Judge/Executive

Honorable John Leslie Burgett, Perry County Sheriff

Members of the Perry County Fiscal Court

In accordance with Government Auditing Standards, we have also issued our report dated May 20, 2011 on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.

Based on the results of our audit, we present the accompanying comments and recommendations, included herein, which discusses the following report comments:

2009-01 The Sheriff Has Not Submitted Abandoned Funds To The Kentucky State Treasurer

2009-02 The Sheriff's Office Lacks Adequate Segregation Of Duties

Respectfully submitted,

*Morgan - Franklin, LLC*

Morgan-Franklin, LLC

May 20, 2011

PERRY COUNTY  
JOHN LESLIE BURGETT, SHERIFF  
SHERIFF'S SETTLEMENT - 2009 TAXES

For The Period May 16, 2009 Through April 15, 2010

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 693,105	\$ 1,517,153	\$ 2,919,656	\$ 919,118
Tangible Personal Property	327,721	873,038	1,333,851	1,485,952
Fire Protection	4,485			
Increases Through Exonerations			1	1
Franchise Taxes	71,010	184,108	299,351	
Additional Billings	773	1,588	3,060	1,006
Oil and Gas Property Taxes	188,105	410,968	752,420	249,444
Penalties	9,195	20,469	38,114	14,191
Adjusted to Sheriff's Receipt	1,741	4,014	6,753	2,192
Gross Chargeable to Sheriff	1,296,135	3,011,338	5,353,206	2,671,904
<u>Credits</u>				
Exonerations	7,185	17,078	29,221	19,609
Discounts	18,113	42,043	74,526	40,675
Delinquents:				
Real Estate	55,241	120,100	229,426	72,671
Tangible Personal Property	7,209	19,206	29,317	29,831
Franchise Taxes - Uncollected	9,837	25,033	40,060	
Miscellaneous Credit				188
Total Credits	97,585	223,460	402,550	162,974
Taxes Collected	1,198,550	2,787,878	4,950,656	2,508,930
Less: Commissions *	50,938	118,485	169,144	106,630
Taxes Due	1,147,612	2,669,393	4,781,512	2,402,300
Taxes Paid	1,146,355	2,667,103	4,776,780	2,401,282
Refunds (Current and Prior Year)	862	2,766	3,014	1,018
Due Districts or (Refund Due Sheriff)		**	***	
as of Completion of Audit	\$ 395	\$ (476)	\$ 1,718	\$ 0

\*, \*\*, and \*\*\* - See Next Page.

The accompanying notes are an integral part of this financial statement.

PERRY COUNTY  
 JOHN LESLIE BURGETT, SHERIFF  
 SHERIFF'S SETTLEMENT - 2009 TAXES  
 For The Period May 16, 2009 Through April 15, 2010  
 (Continued)

\* Commissions:

4.25% on	\$	6,495,358
3.5% on	\$	4,124,935
3% on	\$	825,721

\*\* Special Taxing Districts:

Library District	\$	222
Health District		58
Extension District		46
Soil Conservation		(802)
		<hr/>

Due Districts or

(Refund Due Sheriff)	\$	(476)
		<hr/> <hr/>

\*\*\* School Taxing Districts:

Common School District	\$	267
Graded School District		1,451
		<hr/>

Due Districts

	\$	1,718
		<hr/> <hr/>

PERRY COUNTY  
NOTES TO FINANCIAL STATEMENT

April 15, 2010

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue, which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue, which are recognized when there is proper authorization. Taxes paid are uses of revenue, which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The Perry County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

PERRY COUNTY  
NOTES TO FINANCIAL STATEMENT  
April 15, 2010  
(Continued)

Note 2. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of April 15, 2010, all deposits were covered by FDIC insurance or a properly executed collateral security agreement. However, as of December 4, 2009, public funds were exposed to custodial credit risk because the bank did not adequately collateralize the Sheriff's deposits in accordance with the security agreement.

- Uncollateralized and Uninsured \$789,083

Note 3. Tax Collection Period

A. Property Taxes

The real and personal property tax assessments were levied as of January 1, 2009. Property taxes were billed to finance governmental services for the year ended June 30, 2010. Liens are effective when the tax bills become delinquent. The collection period for these assessments was October 31, 2009 through April 15, 2010.

B. Oil and Gas Taxes

The collection period for 2008 oil and gas taxes was November 4, 2009 through May 15, 2010.

Note 4. Interest Income

The Perry County Sheriff earned \$2,601 as interest income on 2009 taxes. The Sheriff distributed the appropriate amount to the school district as required by statute, and the remainder was used to operate the Sheriff's office.

Note 5. Sheriff's 10% Add-On Fee

The Perry County Sheriff collected \$70,162 of 10% add-on fees allowed by KRS 134.119(7). This amount was used to operate the Sheriff's office.

PERRY COUNTY  
NOTES TO FINANCIAL STATEMENT  
April 15, 2010  
(Continued)

Note 6. Unrefundable Duplicate payments And Unexplained Receipts

The Sheriff has various Tax Escrow Accounts to deposit any unrefundable duplicate payments and unexplained receipts from the Sheriff's Tax Settlements. The accounts are interest-bearing accounts. The beginning balance in the accounts as of May 16, 2009 was \$53,068. Interest in the amount of \$198 was received, other receipts in the amount of \$308 were received and payments in the amount of \$18 were expended, leaving a balance of \$53,556 as of April 15, 2010.

KRS 393.090 states that after three years, if the funds have not been claimed, they are presumed abandoned and abandoned funds are required to be sent to the Kentucky State Treasurer by KRS 393.110. The Sheriff should send a written report to the Treasury Department and submit any funds that have not been claimed to the Kentucky State Treasurer in accordance with KRS 393.110.

THIS PAGE LEFT BLANK INTENTIONALLY



REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND  
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL  
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



***Morgan-Franklin, LLC***  
***Certified Public Accountants***

P.O. Box 428  
749 Broadway Street  
West Liberty, KY 41472

Brenda K. Morgan  
Jody B. Franklin

Phone: (606) 743-1884  
Fax: (606) 743-1895  
[www.morganfranklinpcpa.com](http://www.morganfranklinpcpa.com)

The Honorable Denny Ray Noble, Perry County Judge/Executive  
Honorable John Leslie Burgett, Perry County Sheriff  
Members of the Perry County Fiscal Court

Report On Internal Control Over Financial Reporting And On  
Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards

We have audited the Perry County Sheriff's Settlement - 2009 Taxes for the period May 16, 2009 through April 15, 2010, and have issued our report thereon dated May 20, 2011. The Sheriff prepares his financial statement in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Perry County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Perry County Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Perry County Sheriff's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses and therefore, there can be no assurance that all deficiencies, significant deficiencies, or material weaknesses have been identified. However, as described in the accompanying comments and recommendations, we identified a certain deficiency in internal control over financial reporting that we consider to be a material weakness.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiency described in the accompanying comments and recommendations as item 2009-02 to be a material weakness.

Report On Internal Control Over Financial Reporting And On  
Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards  
(Continued)

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Perry County Sheriff's Settlement - 2009 Taxes for the period May 16, 2009 through April 15, 2010, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed an instance of noncompliance or other matters that is required to be reported under Government Auditing Standards and which is described in the accompanying comments and recommendations as item 2009-01.

The Perry County Sheriff's responses to the findings identified in our audit are described in the accompanying comments and recommendations. We did not audit the Sheriff's responses and, accordingly, we express no opinion on them.

This report is intended solely for the information and use of management, the Perry County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

*Morgan - Franklin, LLC*

Morgan-Franklin, LLC

May 20, 2011

PERRY COUNTY  
JOHN LESLIE BURGETT, SHERIFF  
COMMENTS AND RECOMMENDATIONS

For The Period May 16, 2009 Through April 15, 2010

STATE LAWS AND REGULATIONS:

2009-01 The Sheriff Has Not Submitted Abandoned Funds To The Kentucky State Treasurer

The Sheriff has various Tax Escrow Accounts in which he has deposited any unrefundable duplicate payments and unexplained receipts from the Sheriff's Tax Settlements. It is not easily determinable which accounts are for which tax year. The cash balance of the escrow accounts at April 15, 2010 was \$53,556.

KRS 393.090 states that after three years, if the funds have not been claimed, they are presumed abandoned and abandoned funds are required to be sent to the Kentucky State Treasurer by KRS 393.110. The Sheriff should send a written report to the Treasury Department and submit any funds that have not been claimed to the Kentucky State Treasurer in accordance with KRS 393.110.

We recommend that the Sheriff determine which bank accounts are for which tax year. After this is determined, we recommend that the Sheriff determine which escrow accounts have not been claimed within three years from the date the corresponding audit was released and submit the balance of the accounts to the Kentucky State Treasurer as required by KRS 393.110.

*Sheriff's Response: That years escrow accounts cannot be turned over to the state due to investigation.*

*Auditor's Reply: The Sheriff still needs to determine the tax amounts in each account and to which tax year that they apply.*

PERRY COUNTY  
JOHN LESLIE BURGETT, SHERIFF  
COMMENTS AND RECOMMENDATIONS  
For The Period May 16, 2009 Through April 15, 2010

INTERNAL CONTROL - MATERIAL WEAKNESS:

2009-02 The Sheriff's Office Lacks Adequate Segregation Of Duties

During our review of internal control, we found that the Sheriff's office has a lack of adequate segregation of duties. One employee's duties include collecting cash, recording taxes paid daily, preparing bank deposits, preparing monthly tax reports, preparing checks, and reconciling the bank account. Good internal controls dictate that the same employee should not be handling, recording, and reconciling cash receipts.

If the Sheriff cannot segregate these duties, compensating controls such as the Sheriff recounting daily deposits, agreeing deposits to daily tax report, and agreeing deposits to the receipts ledger should be implemented. The Sheriff should also review reconciliations of taxes collected to taxes paid. The Sheriff should document these reviews by initialing and dating the bank deposit, daily checkout sheet, receipts ledger, and reconciliations. The Sheriff could also periodically compare the bank reconciliations to the balance in the checkbook and document this by initialing and dating the bank reconciliation and the balance in the checkbook. We recommend the Sheriff review office procedures to address this material weakness in internal control.

*Sheriff's Response: The Sheriff will comply to the best of his ability in regards to your recommendations.*

